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9 Attorneys for Plaintiffs,  
10 SONY BMG MUSIC ENTERTAINMENT;  
11 and UMG RECORDINGS, INC.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SONY BMG MUSIC ENTERTAINMENT, a  
Delaware general partnership; and UMG  
RECORDINGS, INC., a Delaware corporation,  
Plaintiffs,

v.

JOHN DOE #9,  
Defendant.

CASE NO. 3:07-CV-04855-SI

Honorable Susan Illston

***EX PARTE APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND [PROPOSED] ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference  
 2 currently set for January 15, 2008, at 2:00 p.m. to April 15, 2008. The Court, of its own accord,  
 3 previously rescheduled the case management conference to its current date from the originally  
 4 scheduled date of January 4, 2008. There is not yet a named defendant in this case.

5 Plaintiffs filed the Complaint against Defendant John Doe #9 (“Defendant”) on September  
 6 20, 2007. Also on September 20, 2007, Plaintiffs filed their *Ex Parte* Application for Leave to Take  
 7 Immediate Discovery seeking the Court’s permission to serve a Rule 45 subpoena on San Francisco  
 8 State University (“SFSU”), so that Plaintiffs could obtain information sufficient to identify  
 9 Defendant. On October 10, 2007, this Court issued its Order Granting Plaintiffs’ *Ex Parte*  
 10 Application for Leave to Take Immediate Discovery authorizing Plaintiffs to serve a Rule 45  
 11 subpoena on SFSU. On November 16, 2007, SFSU responded to Plaintiffs’ subpoena, providing  
 12 Plaintiffs with identifying information including Defendant’s name, telephone number, and address.

13 After learning Defendant’s identity, Plaintiffs sent a letter to Defendant on December 4, 2007  
 14 in hopes of resolving this dispute without further litigation. Since that time, Plaintiffs have spoken  
 15 with Defendant by telephone and presented a settlement offer. If the parties reach a settlement,  
 16 Plaintiffs will promptly file dispositional documents with the Court. If the parties are unable to  
 17 resolve the dispute, Plaintiffs plan to file an amended complaint naming Defendant personally.

18 Given the foregoing circumstances, and because there is not yet a named defendant in this  
 19 case, a case management conference is unnecessary at this time. Plaintiffs therefore respectfully  
 20 request that the Court continue the case management conference currently set for January 15, 2008,  
 21 at 2:00 p.m. to April 15, 2008.

22 Dated: December 20, 2007

HOLME ROBERTS & OWEN LLP

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 24 By: /s/ Matthew Franklin Jaksa  
 25 MATTHEW FRANKLIN JAKSA  
 26 Attorney for Plaintiffs  
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2                   **ORDER**  
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4                   Good cause having been shown:  
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6                   **IT IS ORDERED** that the case management conference currently set for January 15, 2008,  
7 at 2:00 p.m. be continued to April 15, 2008.  
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11                  Dated: \_\_\_\_\_  
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13                  By: Susan Illston  
14                  Honorable Susan Illston  
15                  United States District Judge  
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